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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,599	03/09/2004	Weishi Feng	MP0386	1797

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HARNESSE, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

EXAMINER

SAN JUAN, MARTINJERIKO P

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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12/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/796,599

Applicant(s)

FENG, WEISHI

Examiner

Martin Jeriko P. San Juan

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) _____
13. ☐ Other: _____


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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed on November 15, 2007 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant submits that Sims III and Tai do not at least show, teach, or suggest decryption of an encrypted content key using a private key that is generated based on a device specific identification (ID). Applicant alleges that the private key of Tai is substantially different and is used differently than a disclosed device secret key of Sims III and the private key of Claim 1. One cannot simply replace the private key of Tai with the device secret key of Sims III, as the keys are used for different applications.

Examiner respectfully disagrees. The relationship is that both keys are forms of cryptographic keys. One of ordinary skilled in the art would modify, not by replacing the private key of Tai with the device secret key of Sims III, but by way of replacing however Sims III generates his device secret key, with how Tai generates his private key which is based on a device specific identification [US 2004/0034785 A1, Pg 2, Par 0037 -- a private random (cryptographic) key is generated using the unique 64-bit number based on the chip's die ID number.].

Regarding claims 10, and 11, Applicant needs further elaboration of these previously rejected claims. These are provided below.

With regard to dependent claim 10, the combined invention of Sims III and Tai teaches the secure hard drive of claim 9, wherein said public key decryption module performs digital signature verification of said content directory entry corresponding to said content that is selected for play [6550011 B1, Col 15, Ln 48 -- Examiner notes evident use of decryption engine when content use information is involved because content use information is encrypted.] [6550011 B1, Col 17, Ln 25 -- Examiner notes evidence of the usage of public key, and digital certificates that teach or suggest use of digital signatures to verify/determine if the device is authorized to receive/utilize the content based on content use information.].

With regard to dependent claim 11, the combined invention of Sims III and Tai teaches the secure hard drive of claim 9 wherein at least one of said content directory entries contains a clear content counter that specifies a portion of said corresponding content that is not encrypted [6550011 B1, Col 15, Ln 7].

Examiner notes that the Applicant's "clear content counter" is used as means to keep track of playing the content. Since the content is encrypted, tracking a portion of content that is not encrypted also means tracking a portion of content that the device is allowed/capable of playing. This can be seen on the Applicant's Specification, Par 0036, and Applicant's Figure 8.

US 6550011 B1, Col 15, Ln 7-21 are evidence of a clear content counter because of serial copy management rules of the content use information of Sims III that track various ways of allowed playback.

For further evidence, Examiner adds US 655011 B1, Col 11, Ln 34-46, which also discloses other kinds data of the content use information. Generation counter, generation limit, copyright status indication, expiration information, watermark verification data, region coding, byte count limits, time limits, expiration based on the end of the content, and the like, are all evidence that teach or suggest a clear content counter of the Applicant.